

**REAL ESTATE APPRAISER BOARD  
JUNE 28, 2005  
CONFERENCE ROOM BOARD OF ARCHITECTS & ENGINEERS  
6<sup>TH</sup> FLOOR, 301 CENTENNIAL MALL SOUTH, LINCOLN, NE**

**Opening / Notice of Meeting / Adopt Agenda /**

Chairman Dan Stoeber called the June 28, 2005 scheduled meeting of the Nebraska Real Estate Appraiser Board to order at 9:00 a.m. Members present: Vice Chairman Kevin Kroeger, James Bain, Timothy Kalkowski and Sheila Newell. Interim Director Policky was present. Chairman Stoeber announced the notice of the meeting was published in the *Lincoln Journal Star*, a legal newspaper of general circulation in this State, as required by the public meeting law.

Chairman Stoeber acknowledged the agenda and requested any corrections or additions. Kroeger moved to adopt the agenda and Bain seconded the motion. Roll call vote: all ayes. Chairman Stoeber welcomed Guest Dianne Moore, President of the Moore Group; Cay Lacey, and Perre Neilan, Government Affairs Director of the Nebraska Realtors' Association, Patrick O'Brien.

**Minutes of May 17, 2005 meetings /**

Chairman Stoeber acknowledged the minutes from the May 17, 2005 meetings and called for corrections. Newell moved to approve the minutes as written. Kroeger seconded the motion. Roll call vote: all voting ayes.

**Director's Report /**

Director's report was received and made part of these minutes.

**Chairman's Report /**

Appraisal Regulatory Network meeting is July 22-24 in Omaha. Chairman Stoeber strongly encourage attendance and stressed the importance of the AQB criteria implementation information to be presented at the meeting.

Federal auditors will be here Monday, July 25, 2005 and will attend scheduled meeting on Tuesday, July 26<sup>th</sup>. Reminder of interviews on Monday morning prior to meeting.

**May Receipts and Expenditures Report /**

The Board reviewed the May 2005 expense report and is recognized as an approved item in these minutes. Chairman Stoeber approved payment deadline for the June meeting and for the closing fiscal year. Discussion of what constitutes a biennium budget and the schedule for the end of the fiscal year. Kevin Kroeger moved to ratify the May expense report and James Bain seconded the motion. Roll call vote: all voting aye.

**OLD BUSINESS /**

**Unfinished Business /**

Chairman Stoeber reiterated the ARN meeting plans July 22-25 Omaha.

## **NEW BUSINESS /**

### *Meal Reimbursement*

In considering the Board does not take the time to eat lunch, James Bain moved to adopt a motion to reimburse expenses for the lunches served for meetings. Kalkowski seconded. Vice Chair Kroeger requested that the motion be amended to reflect only the Board's official meetings. Bain seconded. Roll call vote: All ayes.

### *Expense approval for Appreciation*

Rules and Regs committee spent a lot of time working on the suggested guidelines and changes. Chairman Stoeber requested a reasonable expense to recognize each member. Board decided when the expense is determined, return to the Board for a vote of approval for the expense.

## **OLD BUSINESS**

### *Technical corrections to previous months minutes*

The day after the May 17, 05 meeting, Stoeber, Newell and Policky spent time cross-checking the cases in the minutes and found that in several instances, the minutes did not reflect an accurate accounting. The errors encompass a variety of problems and are simply a byproduct of typos and negligence. Newell moved to reconsider the past Board minutes. The changes are to minutes from the last visit from the Subcommittee to February 2005. The cases that could not accurately be deciphered were left alone. There was no guessing for accuracy. Newell stressed to members that nothing is being expunged and that the minutes will show only the corrections. Vice Chair Kroeger seconded the motion. Newell moved to amend the following minutes to accurately reflect the actions of the Board for enforcement. They are as follows:

May 21, 2002	Remove Case #00-03
June 18, 2002	Add Case #01-17 to read "Close"
	Change Case #02-06 to read "Dismiss"
	Change Case #02-17 to read "Cease and Desist"
August 13, 2002	Change Case #02-16 to read "Dismiss"
November 19, 2002	Remove Case #02-13
January 15, 2003	Remove Case #00-29 (this is #02-22)
	Change Case #02-02 to #02-03
February 25, 2003	Add Case #01-43 to read "Close"
April 29, 2003	Add Case #00-39 to read "Close"
May 20, 2003	Remove Case #03-09 (this is #03-10)
June 17, 2003	Change Case #03-05 to read "Dismiss"
September 26, 2003	Change Case #03-11 to read "Dismiss"
November 18, 2003	Remove Case #03-31
March 23, 2004	Change Case #02-07 to read "Dismiss"
	Add Case #02-34 to read "Close"
	Remove Case #02-39 (this is #03-39)
June 22, 2004	Change Case #04-05 to read "Dismiss"

Add Case #01-44 to read "Close"  
September 29, 2004 Remove Case #04-08

January 18, 2005 Remove Case #04-25

Bain seconded the motion. Roll call vote: all ayes.

A point to consider after the last visit from the subcommittee was that this Board was written up for not having people sign consent agreements and asking them to take "voluntary education" as discipline. Voluntary education cannot be reported to the Subcommittee as discipline. The Board thereafter decided that a respondent must sign consent agreement or go to hearing. An internal audit revealed that voluntary education did indeed exist against the direction of both the Board and the Appraisal Subcommittee. To double check for accuracy, the tapes of the board meetings were required to enforce the Board's intent was not voluntary. The procedure revealed that the tapes of the meetings are missing from January 2002 thru February 2005. Chairman Stoeber requested that the Board approve authorization requesting our legal representative Pat O'Brien to send a formal letter to the past Director Marilyn Hasselbalch requesting the return of all tapes. Newell moved to authorize legal counsel to send the past director a letter requesting all tapes of Board meeting from January 2002 thru February 2005 be immediately returned. Vice Chairman Kroeger seconded the motion. Newell amended the motion to include all case files belonging to the Appraiser Board and to return the materials by a determined date. Newell withdrew her motion with amendment. Kalkowski seconded. Kalkowski moved to approve legal counsel to contact former director requesting to secure all properties belonging to the Real Estate Appraiser Board. Bain seconded the motion. Roll call vote: all ayes.

Break for 15 minutes.

### **Education and Instructor Approval /**

Vice Chairman Kroeger moved to approve the new and renewal education seminars as presented on the agenda and made part of these minutes. Kroeger did stress that IRWA's renewal for "Principles of Real Estate Law" would be approved for 16 hours and not the 24 hours requested and that the seminar for NE Dept. of Assessment and Taxation, "Residential Data Collection," was a renewal and effective as of the date of this meeting. All instructors for each seminar were approved as presented on the agenda and Kenneth Beckstrom was approved to teach the course "Fundamentals of Appraisal" for Randall School of Real Estate. Kroeger noted that counsel for PAT, Michael Goodwillie will appear before the Board at the August 16, 2005 meeting to request retroactive credit for offering "Residential Data Collection" on May 20, 2005, a date almost a year after approval for the seminar had expired. Kalkowski seconded the motion. Roll call vote: all ayes.

At 10:12 a.m., Vice Chairman Kroeger moved that the Board go into Executive Session for the purpose of reviewing qualifications of applicants and consideration of written complaints. A closed session is clearly necessary for the prevention of needless injury to the reputation of the individual or individuals involved in the personal matters relating to

applications to be reviewed, performance, and disciplinary matters to be considered. Newell seconded the motion. All members voting aye.

Vice Chairman Kroeger moved to come out of closed session at 10:47 a.m. and Newell seconded the motion. Voting aye: Tim Kalkowski, Jim Bain, Kevin Kroeger, Dan Stoeber and Sheila Newell.

#### **Enforcement Matters /**

Kroeger moved to take the following actions:

- 01-04 Surrender. Forward notice to Appraisal Subcommittee
- 04-02 Turn over case to Board's attorney to send notice to go to hearing.
- 05-06 Chairman Stoeber to sign agreements and return signed copy to respondent.
- 05-07 Chairman Stoeber to sign agreements and return signed copy to respondent. Board accepted the completion of documents for A0016, and A0009. A9001 remains to be completed.

Newell seconded the motion. Roll call vote: all ayes.

Newell moved to take the following actions:

#### **Review of Applicants /**

Newell moved the following applicants:

- Registered applicants: R743, 748, and 749 approved.
- Licensed applicants: L412 approved.
- Certified Residential: CR134 not approved. Send reviewer's comments.  
CR132 not approved. Send reviewer's comments.  
CR136 not approved. Send reviewer's comments.

Vice Chair Kroeger seconded. Roll call vote: all ayes.

At 10:50 a.m., Vice Chairman Kroeger moved that the Board go into Executive Session for the purpose of reviewing applicants for the position of director. A closed session is clearly necessary for the prevention of needless injury to the reputation of the individual or individuals involved in the personal matters relating to applications to be reviewed, performance, and disciplinary matters to be considered. Newell seconded the motion. All members voting aye.

Kalkowski seconded the motion. Voting aye: all votes aye.

Vice Chair Kroeger moved to come out of closed session at 4:52 p.m. Newell seconded. Roll call vote: all ayes.

Newell moved that Jill Ekstein be approved as the new director at a salary of \$45,000 and benefits. Position will be filled by Ekstein on July 18, 2005.

Vice Chair Kroeger second. Roll call vote: all votes aye.

Interim Director Policky submitted her resignation. Accepted and amended to be effective on July 12, 2005. Bain moved to accept the resignation. Kalkowski seconded. Roll call vote: all votes aye.

There being no further business, Chairman Stoeber adjourned the meeting at 5:30 p.m.

Respectfully submitted,

Kitty Policky  
Interim Director